

Message Text

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ORIGIN EB-07

INFO OCT-01 NEA-10 ISO-00 L-03 TRSE-00 SS-15 SP-02 NSC-05

CIAE-00 INR-07 NSAE-00 OMB-01 AID-05 IGA-01 H-02 /059 R

DRAFTED BY EB/IFD/OMA:BGCROWE:DLS

APPROVED BY EB/IFD/OMA:RJRYAN

L/C:FKWIATEK (SUBS)

L/NEA:JROHWER

L/EB:SBOND

TREASURY:PPLYBERG

EB/CBA/OSB:ELAWSON

E:RPOATS (INFO)

NEA/IRN:CNAAS

S/S- MR. KUCHEL

----- 094292

R 010051Z NOV 75

FM SECSTATE WASHDC

TO AMEMBASSY TEHRAN

C O N F I D E N T I A L STATE 259084

E.O. 11652: GDS

TAGS: EFIN

SUBJECT: IRAN LEND-LEASE DEBT

REFS: A) STATE 245329, B) TEHRAN 10142, C) TEHRAN 10537

1. WE ARE PLEASED AT HIGH-LEVEL ATTENTION LEND-LEASE CLAIM IS RECEIVING WITHIN THE GOI. WE ARE DISAPPOINTED AT THE SMALL SIZE OF THE PAYMENT. PAYMENT IS, HOWEVER, FURTHER EVIDENCE THAT IRAN RECOGNIZES THAT THE LEND-LEASE DEBT CONSTITUTES AN ESTABLISHED AND FULLY DOCUMENTED OBLIGATION.

2. AS YOU WELL KNOW, WE CANNOT ACCEPT GOI CONTENTION THAT FUTURE PAYMENTS ARE CONTINGENT ON NEGOTIATION OF GOI
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CLAIMS. (FYI: WE BELIEVE IT DESIRABLE TO REFER TO IRAN'S

"CLAIMS" RATHER THAN "COUNTERCLAIMS" END FYI). THE RESPECTIVE CLAIMS ARE SEPARATE MATTERS AND WE SEE NO LEGAL OR FACTUAL CONNECTION OR LINKAGE BETWEEN THEM. BASED ON THE EVIDENCE SUBMITTED TO DATE, THE IRANIAN CLAIM HAS NO LEGAL MERIT. ATTEMPTS TO PROVIDE ADDITIONAL DOCUMENTATION, PARTICULARLY IN RELATION TO JUSTIFYING THE AMOUNT OF THE CLAIM, WILL LIKELY TAKE A CONSIDERABLE PERIOD OF TIME. AN INDEFINITE DELAY ON THE LEND-LEASE DEBT PENDING RESOLUTION OF THE GOI CLAIM IS NOT ACCEPTABLE, AND COULD CAUSE US PROBLEMS PARTICULARLY ON THE HILL.

3. WHILE JUDGING THE IRANIAN CLAIM TO HAVE NO MERIT, WE STILL WISH (AS NOTED REFTTEL B) TO ASSURE THE GOI THAT USG IS WILLING TO GIVE MATTER A FULL HEARING. WE ARE THEREFORE PREPARED TO SEND A LEGAL EXPERT TO TEHRAN IN NOVEMBER TO DISCUSS OUR LEGAL FINDINGS ON THE COUNTERCLAIM. THE LEGAL EXPERT WILL NOT REPEAT NOT BE AUTHORIZED TO DISCUSS U.S. LEND-LEASE DEBT WHICH HAS ALREADY BEEN RECOGNIZED BY GOI.

4. IN DRAWING UPON THE ABOVE, YOU SHOULD EMPHASIZE THE FOLLOWING POINTS WITH ANSARY AT THE NEXT CONVENIENT OPPORTUNITY:

A) USG IS PLEASED AT HIGH-LEVEL ATTENTION LEND-LEASE DEBT HAS RECEIVED.

B) WE STRONGLY URGE THE GOI TO GIVE CONSIDERATION OF SETTLING DEBT IN FULL AT THE EARLIEST OPPORTUNITY.

C) WE CAN SEE NO FACTUAL OR LEGAL CONNECTION BETWEEN LEND-LEASE DEBT AND THE GOI'S CLAIM.

D) WE ARE NEVERTHELESS PREPARED IN GOOD FAITH TO CONSIDER FULLY THE MERITS OF IRAN'S CLAIM. IN ORDER TO INSURE WE HAVE THE FULLEST POSSIBLE DOCUMENTATION, WE ARE PREPARED TO SEND A LEGAL EXPERT TO TEHRAN IN NOVEMBER AT DATE CONVENIENT TO GOI TO REVIEW LEGAL ASPECTS OF THE IRANIAN POSITION.

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E) THE AMBASSADOR WILL CONTINUE AS CHANNEL FOR PURSUIT OF FULL PAYMENT OF LEND-LEASE DEBT WITH ANSARY. KISSINGER

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